

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY L. CAMPBELL,)
Petitioner,)
)
)
v.) 2:10-cv-1467
)
)
URSILINE SERVICES,)
Defendant)

Report and Recommendation

I. Recommendation:

It is respectfully recommended that the motion of Anthony L. Campbell for leave to proceed in forma pauperis (Docket No.1) be denied.

II. Report:

Anthony L. Campbell has presented what he denominates as either a FELA or Civil Rights action which he seeks leave to prosecute in forma pauperis. While the allegations of the "complaint" are difficult if not impossible to discern, it would appear that the plaintiff is seeking redress for events which surrounded the death and burial of his mother.

In Civil Action 2:10-cv-245 he presented essentially the identical allegations. In an Opinion and Order filed on February 23, 2010, Judge Ambrose of this Court sua sponte denied leave to proceed in forma pauperis and dismissed the complaint after concluding that as best she could determine the complaint was legally frivolous and in addition failed to show a demonstrable basis for invoking federal court jurisdiction. No appeal from that determination was pursued.

The plaintiff again returns to this Court making essentially the same allegations as he made before Judge Ambrose in 2:10-cv-245. Since the plaintiff has failed to demonstrate any reason for concluding other than as Judge Ambrose concluded, the law of the former case is applicable here too.

Accordingly, it is respectfully recommended that leave to proceed in forma pauperis be denied.

Any party seeking to file objections to this Report and Recommendation must do so within fourteen days of this date. Failure to do so will be construed as a waiver of any rights to object.

Respectfully submitted,
s/ Robert C. Mitchell
United States Magistrate Judge

Dated: November 3, 2010